

**REMARKS**

Claims 3, 5, 6, and 10-12 have been canceled. Claims 2, 4, and 7, amended claims 1, 8, 9, 13, and 14, and new claims 15-24 are in this application.

Claims 1-2, 4, and 7-14 were rejected under 35 U.S.C. 102(e) as being anticipated by Schneck et al. U.S. Patent Application Publication No. 2001/0021926.

Amended independent claim 1 recites in part the following:

"A copyright licensing process promoting apparatus . . . comprising:

detecting means for accessing the first terminal unit of the first user by way of the communication network and for detecting at the first terminal unit a file of the literary work data to be transmitted from the first terminal unit to the communication network, said detecting means being operable to detect the file at the first terminal unit before the file is transmitted to the communication network;

. . .

said apparatus being connectable to the communication network at a location which is remote from the first terminal unit and the second terminal unit."

Accordingly, in claim 1, the apparatus includes the detecting means and the apparatus (with the detecting means) is "connectable to the communication network at a location which is remote from the first terminal unit and the second terminal unit."

In explaining the above 102 rejection of claim 1, the Examiner appears to assert that sections 0043, 0134, 0046, 0251-

0254, 0161-0168, and 0295 of Schneck disclose the detecting means of claim 1. As best understood from these sections of Schneck, it appears that the Examiner is asserting that an access mechanism 114 of Schneck is the same as the detecting means of claim 1. It is respectfully submitted that such access mechanism 114 is not the same as the present detecting means of claim 1. As an example, the access mechanism 114 illustrated in the embodiments of Figs. 1 and 5 of Schneck are clearly located in the user's computer. Additionally, although the embodiment of Fig. 15 of Schneck illustrates a distributor having an access mechanism 114, and as best understood, such access mechanism does not appear to operate in the same manner as the detecting means of claim 1. That is, such access mechanism does not appear to access "the first terminal unit of the first user by way of the communication network and . . . [detect] at the first terminal unit a file of the literary work data to be transmitted from the first terminal unit to the communication network . . . [and] to detect the file at the first terminal unit before the file is transmitted to the communication network." Therefore, it is respectfully submitted that claim 1 is distinguishable from Schneck as applied by the Examiner.

For reasons similar to those previously described with regard to claim 1, it is also respectfully submitted that amended independent claims 8, 9, 13, and 14 are also distinguishable from Schneck as applied by the Examiner.

Claims 2, 4, 7, and new claims 15-24 are dependent from one of the independent claims. Accordingly, it is also respectfully submitted that dependent claims 2, 4, 7, and 15-24 are distinguishable from Schneck as applied by the Examiner for at least the reasons previously described.

Further, new claim 16 recites in part "means for transmitting a warning message to the first terminal unit and the second terminal unit when a result of said content

Application No.: 10/090,311

Docket No.: SONYJP 3.0-890

determining means represents that the content of the file is not valid." (Emphasis added.) New dependent claims 18, 20, 22, and 24 have similar or somewhat similar features.

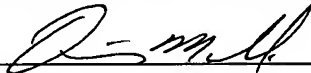
As it is believed that all of the rejections set forth in the Official Action have been overcome, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections and/or rejections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: October 27, 2006

Respectfully submitted,

By 

Dennis M. Smid

Registration No.: 34,930

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicants